

## REMARKS

By this amendment, claims 12, 13-15, 17, 47 and 48 are amended and claims 16, 45 and 46 are canceled. Claims 12, 13, 14 and 17 are amended to improve antecedent basis. Claims 17, 47 and 48 are amended in accordance with the Examiner's suggestion. Claim 15 is amended to correspond to the March 10, 2006 amendment and to improve antecedent basis. No issue of new matter arises.

The December 21, 2006 amendment did not intend to amend claim 15 as evidenced in the Remarks and the status as "Previously presented". In the interest of compact prosecution examination should have examined the claim as properly presented in correspondence with the expressed intent, or in case of doubt, Applicants should have been required to file a compliant amendment. Compact prosecution is not effected by "no further treatment on the merits". If this amended claim is not acceptable because of previous status issues, Applicants respectfully request that the Examiner cancel the claim and make an amendment to add it as a new claim (in which case claim 48 should be amended for proper dependency).

### *Claim Objection*

Claim 15 (and claims 46 and 48 dependent therefrom) were objected to as having improper dependency. Claim 15 is amended to correspond to the March 10, 2006 claim as filed (and not amended as evidenced 1) by the statement "Previously presented" and 2) the absence of reference to amended claim 15 in the Remarks). Applicants apologize for the typographic error in copying the previous claim. The claim of March 10, 2006 and at present obviates the objections. No issue of new matter arises. Claim 46 is canceled. Claim 48 was apparently rejected because of its dependent status. Reconsideration and withdrawal of this objection are respectfully requested.

Claims 13, 14, 16, 17, 45 and 47 were objected to as allegedly failing to limit a previous claim from which each depended. Applicants respectfully traverse this objection. While interfering RNA (iRNA) can have a double stranded portion, the double stranded portion can be formed from a single stranded RNA. One such example is a hairpin RNA which is single stranded in linear sequence, but by having self complementary portions that fold upon each other to form a hairpin shaped molecule can be characterized as double stranded. Thus a single stranded RNA can form what effectively is the double stranded iRNA molecule. The Examiner has recognized the single/double stranded nature of hairpin DNAs in the discussion of Agrawal (See, e.g., compound C, Figure 5). Claims 12, 14 and 17 are amended to improve antecedent basis. Claims 16 and 45 are

canceled. Claim 47 was apparently rejected because of its dependent status. Reconsideration and withdrawal of this objection are respectfully requested.

*Rejections under 35 U.S.C. §112, second paragraph*

Claims 13, 14, 16, 17, 45 and 47 were rejected under 35 USC §112, seconds paragraph as allegedly being indefinite relating to improper antecedent basis. Claims 12, 13, 14, 16 and 17 are amended to obviate this rejection. Claims 45 and 47 were rejected based on dependency from a previous claim. Claims 16 and 45 are canceled. No additional amendment to claim 47 is deemed necessary. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 16, 17 and 45-48 were rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. Claims 16, 45 and 46 are canceled. Applicants note that the status of the application is "after final". Applicants wish to submit additional evidence to traverse this rejection. However, at this after final status, Applicants realize that new issues would be raised by the new evidence. Accordingly, Applicants respectfully amend claims 17, 47 and 48 as suggested by the Examiner to obviate this rejection. A continuation application wherein the evidence would be considered as a matter of right is planned. Reconsideration and withdrawal of this rejection are respectfully requested.

*Rejection under 35 U.S.C. §103*

Claims 12-14, 16, 17, 45 and 47 were again rejected under 35 U.S.C. §103 over Bailleul, Agrawal, Taylor, Bennet and Baracchini. Applicants respectfully traverse this rejection.

The prima facie case of obvious fails at least because the applied references fail to teach or suggest all the claim limitations. The references when combined cannot properly be alleged to teach more than the compilation of all the applied reference teachings. None of the references teach interfering RNA. Agrawal is alleged to suggest an oligonucleotide with hairpin structure resistant to nucleolytic degradation. Applicants agree that a hairpin oligonucleotide is shown in Agrawal. However, the oligonucleotide is a DNA, not an RNA. RNAs are discussed in the context of self-stabilized ribozymes. These would have "typical ribozyme structure, except that they have a self-complementary region at or near the 5' or 3' end." See page 6, last paragraph. While oligonucleotides are discussed in general, the examples are oligodeoxyribonucleotides (DNAs) rather than the RNAs of the present invention. Adaptation of these examples to oligoribonucleotides

(RNAs) is not taught or suggested by the applied references. Claims 16 and 45 are canceled. Reconsideration and withdrawal of this rejection are respectfully requested.

*Conclusion*

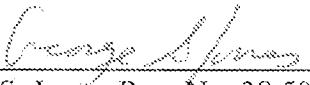
Entry of the amendment is proper under 37 C.F.R. §1.116 because the amendments a) place the application in condition for allowance; b) do not raise new issues requiring further search and/or consideration; c) comply with a suggestion made in the Office Action; and/or d) place the application in better condition for appeal should an appeal be necessary.

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. If the Examiner wishes to suggest additional amendment that might put the application in even better condition for allowance he is invited to contact Applicants' representative at the telephone number listed below.

*Fees*

No fees are believed necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

  
George S. Jones, Reg. No. 38,508  
Attorney for Applicants

sanofi-aventis  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-3776  
Telefax (908) 231-2626  
Aventis Docket No. FRAV2003/0005 US NP